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FREESCALE SEMICONDUCTOR, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

MEDIATEK INC.,

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.,

Defendant.

Civil Action No. 4:11-cv-05341 (YGR)

**DECLARATION OF MARK  
PATRICK IN SUPPORT OF  
MEDIATEK INC.'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

1 I, Mark Patrick, hereby declare as follows:

2 1. I am an attorney for Freescale Semiconductor, Inc. (Freescale). I submit this  
3 declaration in support of MediaTek Inc.'s (MediaTek) Administrative Motion to File Under Seal  
4 (Administrative Motion) (Dkt. No. 79) pursuant to Local Rules 7-11 and 79-5. I have personal  
5 knowledge of the matters set forth below. If called as a witness I could and would competently  
6 testify as follows.

7 2. **Documents Disclosing Freescale's Sales of Certain Product Families in the**  
8 **United States.** MediaTek included in its Administrative Motion documents collecting  
9 information indicated that certain Freescale product families have been sold in the United States.  
10 These documents are the highlighted portions of MediaTek's Motion for Leave to Amend Its  
11 Disclosure of Asserted Claims & Infringement Contentions (Motion to Amend) (Dkt. No. 79-3),  
12 the Declaration of Michael P. Wickey in Support of MediaTek Inc.'s Motion to Amend  
13 Infringement Contentions (Wickey Declaration) (Dkt. No. 79-5), Wickey Decl. Ex. Q (Dkt. No.  
14 79-29), and Wickey Decl. Ex. T (Dkt. No. 79-32), as well as the entirety of Wickey Decl. Ex. B  
15 (Dkt. No. 79-13). Public disclosure of this information would competitively disadvantage  
16 Freescale by giving Freescale's rivals easy access to a summary of Freescale's domestic sales  
17 activity. While it is possible to recreate much of the information contained in this summary,  
18 Freescale does not make sales information specific to particular product families available  
19 publicly in summary form. Instead, rivals interested in determining Freescale's domestic sales  
20 activities with respect to particular products must undertake investigation into publicly available  
21 materials. Because Freescale's competitors also do not publicly disclose sales information as to  
22 particular products in summary form, Freescale would be at a competitive disadvantage if the  
23 summary sales information for certain of its product families were to be publicly disclosed.  
24 Attached as Exhibits 1–4 are copies of the Motion to Amend, Wickey Declaration, Wickey Decl.  
25 Ex. Q, and Wickey Decl. Ex. T containing Freescale's proposed redactions.

26 3. **Documents Disclosing Freescale's Manufacturing Activities.** MediaTek  
27 included in its Administrative Motion documents discussing Freescale's manufacturing activities.  
28 These documents are portions of the Motion to Amend and the Wickey Declaration. In particular,

1 paragraphs 9–11 of the Wickey Declaration discuss highly confidential information concerning  
 2 Freescale’s manufacturing processes and, in particular, the locations at which some  
 3 manufacturing steps may be carried out for certain products.

4 **4. Documents Disclosing Nonpublic Technical Details for Freescale’s Products.**

5 MediaTek included in its Administrative Motion several documents disclosing nonpublic  
 6 technical information about Freescale’s products. These documents are Wickey Decl. Ex. O  
 7 (Dkt. No. 79-27) and Wickey Decl. Ex. A.6, Exhibit C-7, Infringement Chart for U.S. Patent No.  
 8 6,088,753, MXC91131, MXC91331, MXC91321 Processors (Dkt. No. 79-11). Wickey  
 9 Declaration Exhibit O contains excerpts from Freescale technical documents related to certain of  
 10 Freescale’s products. Exhibit C-7 is a claim chart that contains information taken from  
 11 documents like those excerpts in Wickey Declaration Exhibit O. While the information provided  
 12 in Exhibit O and Exhibit C-7 is similar to information contained in the publicly available product  
 13 documentation found on Freescale’s website, Exhibits O and C-7 provide technical details that  
 14 Freescale does not ordinarily disclose to the public. Disclosure of this information would harm  
 15 Freescale by providing its competitors access to Freescale’s proprietary information concerning  
 16 the structure and functionality of its products. Freescale requests that the Court seal these  
 17 documents in full.

18 **5. Documents Disclosing Freescale’s Exclusive Sales to Certain Entities.**

19 MediaTek included in its Administrative Motion Wickey Decl. Ex. U, which is a Mar. 1, 2013,  
 20 Letter from Joshua Hartman to Keith Slenkovich. The highlighted portions of this document  
 21 contain confidential information that Freescale sells certain products exclusively to certain  
 22 entities. Attached as Exhibit 5 is a copy of Wickey Decl. Ex. U containing Freescale’s proposed  
 23 redactions.

24 **6.** The above information is confidential and trade secret. If disclosed, the  
 25 information in the materials described above could be used by Freescale’s competitors to  
 26 Freescale’s disadvantage. The requested relief is necessary and narrowly tailored to protect the  
 27 confidentiality of this information.

28 **7.** Freescale does not maintain a claim of confidentiality on the following documents:

- MediaTek's Amended Infringement Contentions (Dkt. No. 79-6);
- Declaration of Nancy Lynn Schroeder in Support of MediaTek Inc.'s Motion to Amend Infringement Contentions (Dkt. No. 79-36);
- Exhibit A-1, Infringement Chart for U.S. Patent No. 6,738,845 (Dkt. No. 79-7);
- Exhibit B-1, Infringement Chart for U.S. Patent No. 6,889,331 (Dkt. No. 79-8);
- Exhibit B-2, Infringement Chart for U.S. Patent No. 6,889,331 (Dkt. No. 79-8);
- Exhibit B-3, Infringement Chart for U.S. Patent No. 6,889,331 (Dkt. No. 79-9); and
- Wickey Decl. Ex. P, Feb. 17, 2013, Letter from K. Slenkovich to R. Kim.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of April, 2013, at Austin, Texas.

  
Mark Patrick